

FILED
ORIGIN
May 24 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE
STATE OF MONTANA

Supreme Court Cause No. 10-0131

Quentin M. Rhoades
Nathan G. Wagner
SULLIVAN, TABARACCI & RHOADES, P.C.
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For Appellants

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

TIMOTHY MATHENY and CRISTINE MATHENY,

Plaintiffs/Appellants,

v.

JET BOATS OF MONTANA, INC. and WILLIAM RUSSELL,

Defendants/Appellees.

MOTION TO DISMISS

On Appeal from the Montana Fourth Judicial District Court
Missoula County, Cause No. DV-10-65
Before Hon. Ed McLean

Appellants TIMOTHY MATHENY and CRISTINE MATHENY,
hereby move to dismiss the above-captioned appeal pursuant to MONT. R. APP.
P. 16(4), without prejudice.

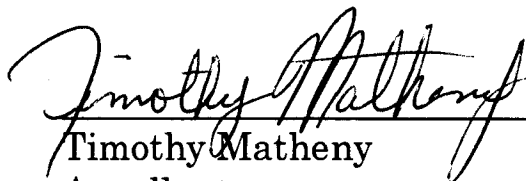
The basis for Appellants motion is that the parties entered into a
settlement agreement and the appeal is now moot.

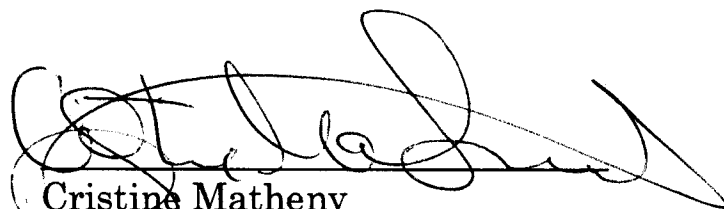
DATED this 21st day of May, 2010.

Respectfully Submitted,
SULLIVAN, TABARACCI & RHOADES, P.C.

By: 

Quentin M. Rhoades
Nathan G. Wagner
For Appellants



Timothy Matheny
Appellant


Cristine Matheny
Appellant

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of May, 2010, I filed a true and correct copy of the foregoing Motion to Dismiss with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing upon, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action as follows:

Bryan Charles Tipp
Eric D. Mills
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Legal Assistant